

7/16/2018 12:30 pm

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EBONY NICOLE KEYS,

Plaintiff,

-against-

OPTUM360, UNITED HEALTH GROUP,  
NORTHWELL HEALTH,

Defendants.

-----X  
**JOAN M. AZRACK, District Judge:**

On April 19, 2018, plaintiff Ebony Nicole Keys (“plaintiff”) filed a *pro se* complaint on the Court’s employment discrimination complaint form against Optum360, the United Health Group, and Northwell Health (collectively, “defendants”) pursuant to, *inter alia*, Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (“Title VII”), the Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634 (the “ADEA”), and the Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112-12117 (“ADA”). Accompanying the complaint is an application to proceed *in forma pauperis*.

Upon review of the declaration accompanying plaintiff’s application to proceed *in forma pauperis*, the Court finds that plaintiff is qualified to commence this action without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(1). Accordingly, plaintiff’s request to proceed *in forma pauperis* is GRANTED. However, because plaintiff has left blank the space on the form complaint that calls for her age and/or her year of birth, and because plaintiff did not allege age discrimination in her administrative charges filed with the New York State Division of Human Rights (“NYSDHR”) (see NYSDHR Charges, annexed to the Compl. at ECF Doc. 1 at 13 and 26), her age discrimination claim is implausible and is therefore dismissed without prejudice

pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

IT IS HEREBY ORDERED that plaintiff is granted leave to file the complaint without prepayment of the filing fee or security therefor; and IT IS FURTHER ORDERED that the Clerk of Court must forward to the United States Marshal Service for the Eastern District of New York copies of plaintiff's summons, complaint and this Order for service upon defendants without prepayment of fees; and

IT IS FURTHER ORDERED that the Clerk of Court must mail a copy of this Order to the plaintiff.

**SO ORDERED.**

Date: July 16, 2018  
Central Islip, New York

/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE